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PREVENTION OF DISCRIMINATION

Written statement* submitted by Human Rights Watch,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

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*This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).



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ENG

Caste and Descent-Based Discrimination

At birth, a vast number of people from different regions of the world are assigned a life long status, based on descent, from which they cannot escape and which is used to justify discrimination, exclusion, and violence. One of the most pervasive forms of descent-based discrimination is caste, which extends throughout Asia, Africa, and the South Asia diaspora. Today, over 250 million people worldwide suffer under what is often a hidden apartheid of segregation, modern-day slavery, and other extreme forms of discrimination, exploitation, and violence. In effect, caste imposes enormous obstacles to the full attainment of civil, political, economic, social, and cultural rights.

Caste is descent-based and hereditary in nature. It is a characteristic determined by one's birth into a particular caste, irrespective of the faith practiced by the individual, and is used to denote a system of rigid social stratification into ranked groups defined by descent and occupation. Under various caste systems throughout the world, this hierarchy is used to create divisions along housing, occupation, education, and marriage lines – divisions that are reinforced through the practice and threat of social ostracism, economic boycotts, and even physical violence. As a result, the victims of these caste systems commonly suffer from total physical and social segregation, and are limited to the most menial and hazardous occupations.

Enforced economic and social isolation have also created pervasive conditions of illiteracy, poverty, and landlessness among lower caste communities. Given the absence of distinguishing physical characteristics, many outsiders label these conditions as the cruelties of poverty, and not discrimination. However, poverty can be quite deceptive. It makes one conclude that all suffer from it equally. A closer look reveals the discrimination inherent in the allocation of jobs, land, basic resources, and even physical security, as lower caste communities are disproportionately victims of violence, bonded labor, and other severe forms of abuse.

Since 1998 Human Rights Watch has investigated and documented caste-based discrimination and persecution in India. In 2000, our focus expanded to looking at similar forms of discrimination in other South Asian countries, as well as Japan, West Africa, and regions with a significant South Asian diaspora population, such as Eastern and Southern Africa, North America, the Caribbean, the United Kingdom, Malaysia, and the United States. In August 2001 Human Rights Watch published a report entitled *Caste Discrimination: A Global Concern*.

This report details caste-based practices among communities in South Asia, Japan, and Western Africa, as well as in the South Asian diaspora of North America and East Asia. In Africa, the report focuses on the Wolof societies of Senegal, the Osu of Nigeria, and the caste-like, slave practices in Mauritania, although caste-based practices are known to exist throughout Africa, including in Somalia, Gambia, and Cameroon.

Among the report's most significant findings were the common features shared by caste systems in each of these countries. These include: impunity for perpetrators of crimes against low-caste communities; physical segregation; social segregation, including the prohibition against inter-marriage; restrictions on occupations frequently limiting so-called lower-caste populations to the most menial and hazardous forms of work such as manual scavenging; the use of degrading language to describe those from the oppressed section based on constructed notions of purity and pollution, filth and cleanliness; high levels of illiteracy, poverty and landlessness for 'low-caste' populations; pervasive debt bondage due to poor remuneration for 'low-caste' occupations; double-discrimination and exacerbated exploitation against 'low-caste' women; and non-implementation of legislation designed to address the discrimination.

In many cases, caste systems coexist with otherwise democratic structures. In countries such as Nigeria, governments have also enacted progressive legislation to combat abuses against lower-caste communities. Despite formal protections in law, however, discriminatory treatment remains endemic and discriminatory societal norms continue to be reinforced by government and private structures and practices, in some cases through violent means.

Despite the magnitude of the problem, concerted international attention and the commitment of resources to assist national governments in this important work is long overdue. Still, important steps have been taken by NGOs and U.N. bodies, including the UN Sub-Commission for the Promotion and Protection of Human Rights, over the last several years to forward the debate and ultimately the enforcement of national legislation to combat these abuses.

In August 2000, the sub-commission passed Resolution 2000/4 on Discrimination Based on Work and Descent. The resolution, aimed at addressing the issue of caste, reaffirmed that discrimination based on work and descent is prohibited under international human rights law. The sub-commission also decided to further identify affected communities, examine existing constitutional, legislative, and administrative measures for the abolition of such discrimination, and make concrete recommendations for the effective elimination of such practices.

In August 2001, pursuant to Sub-Commission Resolution 2000/4, sub-commission expert R.K.W. Goonesekere presented his working paper on work and descent-based discrimination to the sub-commission's fifty-third session. Because of time and other constraints, Mr. Goonesekere limited the paper's focus to the Asian countries of India, Nepal, Pakistan, Sri Lanka, and Japan but stated that further study of African countries in particular was warranted. The presentation of the paper, and the ensuing debate amongst sub-commission experts that followed, marked the first time that caste discrimination was discussed as a major source of human rights violations worldwide by a U.N. human rights body. The sub-commission also determined by consensus to extend the study to other regions of the world where work and descent-based discrimination continues to be experienced, including and especially Africa.

Human Rights Watch welcomes this discussion on descent-based discrimination and Africa in particular by the sub-commission and considers it an important step toward achieving the paramount goal of ending caste-based discrimination worldwide. However, the sub-commission must now pay particular attention to how governments address caste and descent-based discrimination. To that end, Human Rights Watch recommends that sub-commission seek information from governments on the measures and legislative actions they are taking to eradicate caste-based discrimination, including legislative reform, public awareness campaigns, administrative measures, and constitutional reform. The sub-commission should also solicit information from non-governmental organizations on the progress being achieved by governments in these areas. The sub-commission should urge governments to:

- Establish a program and timetable to enforce the abolition of "untouchability," segregation, or similar practices.
- Enact and fully enforce laws aimed at ending abuses associated with caste, such as child labor, bonded labor, land reform, manual collection of human waste, and forced prostitution or similar practices.
- Ensure specific protection measures for women in laws and programs on descent-based discrimination, and ensure issues of caste are fully integrated into broader measures to end violence and discrimination against women.

- Ensure issues of descent-based discrimination are fully addressed in the design and implementation of poverty-reduction and debt relief strategies.
- Allocate adequate funds for the socio-economic and educational support of communities that have faced discrimination on the basis of caste.
- Ensure greater participation by the affected communities in civil administration.

The exploitation of low-caste laborers and the rigid assignment of demeaning occupations on the basis of caste keep lower-caste populations in a position of economic and physical vulnerability. The triple burden of caste, class, and gender effectively ensures that lower-caste women are the farthest removed from legal protections. Only with the full and meaningful implementation of the Universal Declaration of Human Rights and of domestic laws designed to abolish the vestiges of various caste systems and to protect the economic, social, cultural, civil, and political rights of all, can the process of attaining economic and physical security, and human dignity, be achieved.
